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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,638

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Sigmund Niklas

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02/19/2009

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EXAMINER

CAZAN, LIVIUS RADU

ART UNIT

PAPER NUMBER

3729

MAIL DATE

DELIVERY MODE

02/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/528,638	Applicant(s) NIKLAS ET AL.	
	Examiner LIVIOUS R. CAZAN	Art Unit 3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6,8-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-6,8-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I in the reply filed on 10/27/2008 is acknowledged. However, in view of Applicant's amendment, the restriction requirement mailed 7/23/2008 is withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 3-6, 8-13, and 15-20** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. **Regarding claim 3**, the phrase "the curing device having a process time substantially exceeding the fitting time" (lines 6 and 7) lacks proper antecedent basis, as the preamble of the claim only refers to a curing device in which the adhesive is cured. The claim does not mention anything about a process time. Moreover, this phrase implies several curing devices are present, since "at least" the curing device having such a process time is connectable. Clarification of this claim language is requested, and omission of the phrase "at least" is suggested. Similarly in lines 7 and 8 of **claim 10**, and lines 6 and 7 of **claim 17**.

5. Further, the phrase "processing and/or control" (lines 12-14 and 17) renders the claim indefinite, because it is unclear exactly what elements are explicitly required by the claim. For example, depending on the particular situation, the claim may require,

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among other possibilities, a plurality of processing units which perform processing and control, processing units which perform control, control units which perform processing and control, or control units which perform processing. Similarly in **claim 19**. In addition, the recitation "a time duration which corresponds to the sum of a processing and/or control time of a processing and/or control unit" (lines 16 and 17) increases the confusion, as it is unclear whether the "a processing and/or control unit" is one such unit from the recited plurality (line 12). The phrase "and/or" is also present in **claim 4** (lines 2 and 4), **10** (lines 11, 14-17), and **11** (line 2). The claims should be amended so as to avoid the use of this phrase.

6. Also, the phrase "the moved curing device" in line 18 renders the claim indefinite, because no such moved curing device is recited by the claim. Claim 3, merely states that the curing device is movable (line 9), but nowhere does it state that it has actually been moved. This phrase also appears in **claim 9**, lines 2 and 3.

7. Still further, the phrase "and/or the further device" (lines 18 and 19) renders the claim indefinite, because "the further device" lacks proper antecedent basis.

8. **Regarding claim 10**, the phrase "so as to release the conveyor belt moving in the transport direction" (lines 9 and 10) renders the claim indefinite, since it is unclear whether opening the second clamping device releases some conveyor belt which is moving in the transport direction (in which case the phrase lacks proper antecedent basis), or if opening the second clamping device releases the conveyor belt *so as to move* in the transport direction. Also, the "transport direction" should be defined, such as, for example, by reciting --a conveyor belt which transports the substrates in a

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transport direction...-- in line 7. Similarly, **claims 3 and 17** should be changed to more clearly define the transport direction. In line 11, the phrase "the curing" lacks proper antecedent basis. Additionally, the formatting of the claim should be changed so as to omit the dashes.

9. **Claims 15 and 16** should be cancelled, since they are substantial duplicates of claims 4 and 9, respectively.

10. **Regarding claim 17**, the phrase "preferably" in line 11 renders the claim indefinite, because it makes the recited limitations optional. In particular, it is not required for the at least two clamping jaw units to be arranged at end regions of the movable curing device. Also, the phrase "the upper and lower clamping jaws" (line 12) lacks proper antecedent basis.

11. **Claims 18 and 20** should be cancelled, since they are directed to the same subject matter as previous claim 2, which is now part of amended claim 3, thereby failing to further limit a parent claim.

12. **Note:** The Examiner has attempted to identify all the issues under 35 U.S.C. 112, second paragraph. However, Applicant is respectfully asked to carefully review the claims upon correcting the identified issues, to ensure the claim language is consistent throughout and that no other issues remain.

Allowable Subject Matter

13. Claims 3-6, 8-13, 17, and 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

14. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIVIUS R. CAZAN whose telephone number is (571) 272-8032. The examiner can normally be reached on M-F 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID P. BRYANT can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. Dexter Tugbang/
Primary Examiner
Art Unit 3729

/L. R. C./ 2/16/2008
Examiner, Art Unit 3729